



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,703	07/17/2003	Yoshitaka Sakoh	02410335AA	9315
30743 7590 06/09/2009 WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190				
EXAMINER RENWICK, REGINALD A				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
06/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/620,703

Applicant(s)

SAKOH, YOSHITAKA

Examiner

REGINALD A. RENWICK

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language of the application state the use of a "board holder" which is defined as object 9, however also within the application the Applicant has used the phrase "switch board holding member" which is not defined within the application. The phrase "switch board holding member" should be corrected, to reflect the definition provided within the specification.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook (U.S. Patent 6,198,471).

Art Unit: 3714

Re claim 1: Cook discloses a controller (Title), comprising:

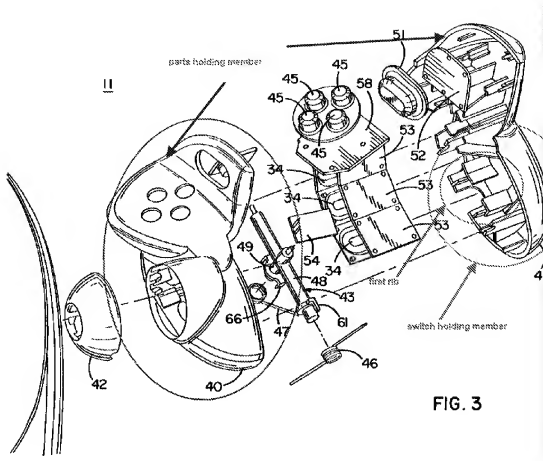
a main board, on which an electrical component is mounted and extending in a first direction (Fig. 2: object 38);

a switch board, provided so as to extend in a second direction perpendicular to the first direction (Fig. 3: object 53);

a push switch, mounted on the switch board and electrically connected to the electronic component, the push switch adapted to be pushed in the first direction (Fig. 4: object 34);

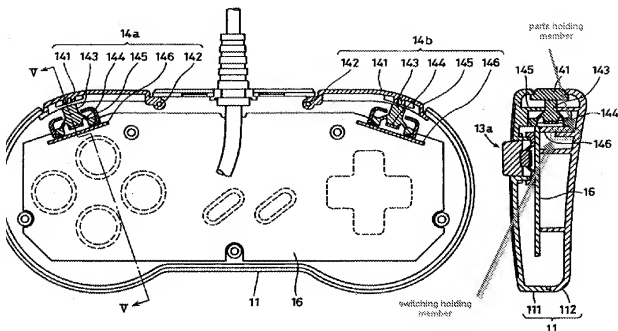
a parts holding member, interposed between the switch board and the main board and integrally formed with the parts holding member (Fig. 1: objects 11, 12, 105, 110).

a switch board holding member, holding the switch board and integrally formed with the parts holding member, wherein the switch board holding member is the lower part of the arm of the parts holding member (Fig. 2: object 33, Fig. 3: object 41)



2. Re claim 8, 9, 10: Cook discloses that the controller further comprises a first rib (see above figure) formed on the switch board holding member so as to receive a force generated by an operation of the push switch as is shown above since the ribs hold the switch board holding member in position as shown in figure 5c.

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue (U.S. Patent No. 5,207,426).



Re claim 1 and 6: Inoue discloses a controller, comprising:

A main board, on which an electrical component is mounted and extending in a first direction (Fig. 4: object 16; column 4, lines 21-32);

A switch board, provided so as to extend in a second direction perpendicular to the first direction (Fig. 4: object 146);

a push switch, mounted on the switch board and electrically connected to the electronic component, the push switch adapted to be pushed in the first direction (Fig. 5: 141);

a parts holding member, interposed between the switch board and the main board and adapted to receive a stress generated when the push switch is pushed (as shown above); and

a switch board holding member monolithically formed with the parts holding

Art Unit: 3714

member (see above figure, where it is considered that lacking any clear distinguishing features, a portion of element 144 is read onto a switch holding member and another portion is read onto the parts holding member), wherein the switch board holding member holds the switch board and integrally formed with the parts holding member, wherein the switch holding member the left hand portion of the parts holding member.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 7, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Tickle (U.S. Patent No. 5,670,988)

Re claim 5, 7, and 11: Although, Cook discloses a power source for the controller (column 4, lines 63-66), Cook fails to disclose that the controller comprises of a battery terminal holding member, holding a battery terminal and integrally formed with the parts holding member. However, Tickle discloses a game controller with a battery terminal that is monolithically formed with the parts holding members

Art Unit: 3714

and contains ribs for containing the battery. Furthermore, Tickle discloses the use of a wireless module that is formed within the controller. It is reasonable for one skilled in the art to adapt the controller of Cook to incorporate the battery terminal and wireless module of Tickle into the controller figuration, as all that is needed by the controller is ample space, which Cook has within the parts holder members 105 and 110. Because Cook discloses that the controller uses a power chord to receive power, it would have been obvious to one skilled in the art at the time the invention was made to modify Cook with the battery terminal and the wireless module of Tickle, for the purpose of making the controller of Cook portable MPEP 2144.04.

Allowable Subject Matter

5. Claims 12 and 13 are allowed.

Response to Arguments

Applicant's arguments, see page 2, filed 12/15/2008, with respect to the rejection(s) of claim(s) 1,5-13 under Pre-Brief Conference request have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cook which discloses claims 1 and 6-10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 3714

6/9/2009
/R. A. R./
Examiner, Art Unit 3714